

**REGULAR COUNCIL MEETING  
CITY OF WATERTOWN  
April 19, 2004  
7:00 P.M.**

**MAYOR JEFFREY A GRAHAM PRESIDING**

**PRESENT:**            **COUNCILMAN STEPHEN J. BRADLEY  
COUNCILWOMAN ROXANNE M. BURNS  
COUNCILMAN PETER L. CLOUGH  
COUNCILMAN TIMOTHY R. LABOUF  
MAYOR GRAHAM**

**ALSO PRESENT:**   **CITY MANAGER MARY M. CORRIVEAU  
ATTORNEY ROBERT J. SLYE**

City Manager Corriveau presented the following reports to the Council:

- 1 - Commissioner of Deeds
- 2 - Accepting Street Known as East Commerce Drive, As Dedicated City Street of the City of Watertown
- 3 - Approving Agreement for Use of Building and Grounds, Watertown City School District
- 4 - Approving Bid for Underground Fuel Storage Tank Removal – Paragon Environmental Construction, Inc.
- 5 - Approving Bid for Construction of Sanitary Sewer Extension Along Eastern Boulevard
- 6 - Approving Employment Agreement, Mary M. Corriveau
- 7 - Approving Supplemental Agreement #4 for Marchiselli Aid Local Agreement, Bellew Avenue Reconstruction, Construction/Construction Inspection, PIN 775272
- 8 - Approving the Special Use Permit Request Submitted by Matthew R. Morgia, P.E., of GYMO, P.C., on behalf of Samaritan Medical Center to Allow a Parking Lot at 120-144 Woodruff Street, Parcels No. 14-01-105 through 14-01-111
- 9 - Authorizing the Issuance of \$44,000 Serial Bonds of the City of Watertown, Jefferson County, New York to Pay the Costs of the Extension of Waterworks Park Trail, In and For Said City
- 10 - Authorizing the Issuance of \$103,000 Serial Bonds of the City of Watertown, Jefferson County, New York, to Pay the Costs of the Purchase and Installation of Above Ground Fuel Tank at the Wastewater Treatment Plant and the Removal of the Existing Underground Fuel Tanks at Such Location, In and For Said City of Watertown
- 11 - Authorizing the Issuance of \$66,000 Serial Bonds of the City of Watertown, Jefferson County, New York to Pay Additional Costs of the Construction of a Sanitary Sewer Line in the 500 Block of Eastern Boulevard, In and For Said City of Watertown

- 12 - Laid Over Under the Rules – Approving the Request to Change the Approved Zoning Classification of Parcels No. 10-05-101 and 10-05-102 Located at 202-206 Clinton Street From Residence “A” District to Residence “C” District
- 13 - Monthly Financial Reports

**COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK**

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of April 5, 2004 was dispensed with and accepted as written by motion of Councilwoman Burns, seconded by Councilman Clough and carried with all voting in favor thereof.

**COMMUNICATIONS**

From Watertown Lodge No. 496 inviting Council to participate in the Flag Day Parade on Sunday, June 13<sup>th</sup> at 1:00 p.m.

**ABOVE PLACED ON FILE**

The following communications were received from the City’s Planning Board:

1. Recommending granting approval of the special use permit request submitted on behalf of Samaritan Medical Center to allow a parking lot at 120-144 Woodruff Street, Parcels No. 14-01-015 through 14-01-111.
2. Recommending site plan approval for the construction of such lot contingent upon certain requirements being met as outlined in the resolution.

**ABOVE PLACED ON FILE**

Minutes were received from the library’s board meeting

**ABOVE PLACED ON FILE**

From First Step Day Care inviting Council to their open house on Wednesday, April 21<sup>st</sup> from 5 – 7 p.m.

**ABOVE PLACED ON FILE**

Claim against the City was received from Allstate Insurance as subrogee for Marjorie Madden as a result of damage to her property at 444 Bugbee Drive.

**ABOVE REFERRED TO THE BOARD OF AUDIT**

Notice of Petition for Assessment Review was received from Arsenal Housing Associates, Academy Housing Associates and Eastern Housing Associates

### **ABOVE PLACED ON FILE**

Mayor Graham proclaimed the week of April 18<sup>th</sup> –24<sup>th</sup> as the **Week of the Young Child** in the City of Watertown and presented the proclamation to a representative from First Step Day Care.

Mayor Graham presented a certificate to Alteri's Bakery recognizing the business for their community support and acknowledging their recent New York State Award.

Mayor Graham presented the members of the IHC Lady Cavaliers Basketball team with certificates recognizing their State Championship win.

### **PRIVILEGE OF THE FLOOR**

**Frank Battista**, addressed the chair explaining that he owns several building lots on the West side of the City and he is concerned with the burned out remains of a house in that area. He stated that he had expressed his concerns to Code since it involves violations and nothing has been done.

Mayor Graham commented that it is a rather unsightly thing and in addition to being a code violation, it is also a ghoulish reminder of what happened in January. He asked if the process could be speeded up.

Mrs. Corriveau explained that she had talked with Mr. McWayne and he has been trying to contact family members and the attorney that he believes is handling the estate. Unless it is an emergency, the City cannot go on the property and demolish the structure.

Attorney Slye explained that it is necessary for the City to put someone on notice. However, who that is has to be determined.

Mr. Battista stated that Attorney Oliver Wisner is representing the family.

Mrs. Corriveau responded that Mr. McWayne had been trying to contact Attorney Wisner.

Councilman Clough asked if DPW could go on the property and clean up the debris.

Mrs. Corriveau responded that if DPW goes on the property without notifying the owners, the City is responsible for all costs incurred.

Councilman Clough commented that it has always been the practice of the City to send a letter and that is proof of trying to notify, even if the City receives no response.

Attorney Slye commented that when we know that someone is dead, we can't send a letter to the address and say that they were notified but nobody answered.

Councilman Clough asked who boarded up the windows.

Mrs. Corriveau responded that she would assume the City did that.

Attorney Slye advised Council that the City has statutory liens against the insurance for doing that.

Councilman Clough referred to the photos and commented that it is a hazard.

Attorney Slye remarked that after the City finds the right person, action will be taken.

Mayor Graham asked that an extra effort be made on this.

Attorney Slye will also try to contact Attorney Wisner.

## **RESOLUTIONS**

### **INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

RESOLVED that the following individual is hereby appointed Commissioner of Deeds for the term expiring December 31, 2004:

**Non-City Employee**

**Barbara A. Walroth**

### **SECONDED BY COUNCILWOMAN ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA**

### **INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

WHEREAS during an update of street acceptance records, the City Engineering Department determined that the City of Watertown was never officially accepted as a City street within the City of Watertown the street known as East Commerce Drive, and

WHEREAS the City of Watertown has received a deed which contains a description of the property known as East Commerce Drive, and

WHEREAS the City Council deems it to be appropriate and in the best interests of the citizens of the City of Watertown to dedicate as a City street of the City of

Watertown the property referred to as East Commerce Drive and described by metes and bounds in the attached Schedule A,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the property described in Schedule A, a copy of which is attached and made a part of this resolution, as a dedicated City street of the City of Watertown, New York, and

BE IT FURTHER RESOLVED that hereinafter this property shall be known as East Commerce Drive, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute the deed on behalf of the City of Watertown.

**SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

WHEREAS the City of Watertown desires to run a Summer Recreation Program within the City of Watertown, and

WHEREAS the Watertown City School District is willing to authorize the City to use its facilities for said purpose, and

WHEREAS there is no cost associated with the Agreement between the City of Watertown and the Watertown City School District, and

WHEREAS the City deems the providing of a Summer Recreation Program to be a benefit to the citizens of the City,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement between the City and the Watertown City School District, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to execute the contract on behalf of the City of Watertown.

**SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

WHEREAS the City Purchasing Department has advertised and received sealed bids for the removal and replacement of the fuel storage tanks at the City's Pollution Control Facility, per our specifications, and

WHEREAS invitations to bid were issued to seventeen (17) prospective bidders with a total of five (5) bids submitted to the Purchasing Department, and

WHEREAS on Monday, March 29, 2004, at 11:00 a.m. the bids received were publicly opened and read, and

WHEREAS City Purchasing Agent Robert J. Cleaver reviewed the bids received and is recommending that the City Council accept the lowest qualifying bid, meeting our specifications, submitted by Paragon Environmental Construction, Inc., Cicero, New York in the amount of \$98,571.00,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York accepts the bid submitted by Paragon Environmental Construction, Inc., Cicero, New York in the amount of \$98,571.00 for the removal and replacement of the fuel storage tanks at the City's Pollution Control Facility, as the lowest qualifying bidder meeting the City's specifications, and

BE IT FURTHER RESOLVED that the acceptance of this bid is contingent on City Council approval of a bond ordinance in the amount of \$103,000 to support this project.

**SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS**

WHEREAS the City of Watertown is undertaking the installation of an 8-inch sewer main from an existing line on Water Street, down Eastern Boulevard, south to the junction of Marble Street to connect to an existing line, and

WHEREAS the City Council has reviewed the Short Environmental Assessment Form responding to each of the questions contained in Part 2, and has determined that the project, as submitted, is Unlisted and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed construction constitutes an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment.

**SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

WHEREAS the City Purchasing Department, in conjunction with Stearns & Wheler, LLC, consulting engineers, has advertised and received sealed bids for the construction of the sanitary sewer extension along Eastern Boulevard, per specifications with an optional bid for payment resurfacing, and

WHEREAS invitations to bid were issued to twelve (12) prospective bidders with five (5) bids being submitted and publicly opened and read on Tuesday, April 6, 2004, at 10.30 a.m. in the City Purchasing Department, and

WHEREAS City Purchasing Agent Robert J. Cleaver, Interim City Engineer Gary Pilon and Engineering CAD Technician Joseph Gaus reviewed the bids submitted and are recommending that the City Council accept the lowest qualifying bid, per our specifications, with an optional bid for pavement resurfacing, submitted by D. M. Ferlito Construction, Inc., of Oswego, New York in the amount of \$201,750.00,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York accepts the bid in the amount of \$201,750.00 submitted by D. M. Ferlito Construction, Inc., Oswego, New York for the construction of the sanitary sewer extension along Eastern Boulevard. This amount includes the base bid of \$167,750.00 and the alternate bid for the milling and surface overlay of Eastern Boulevard, and

BE IT FURTHER RESOLVED that acceptance of this bid is subject to the City Council approval of a bond ordinance to support this project in the amount of \$226,000.

**SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

WHEREAS the City Council of the City of Watertown has done a review of the City Manager's performance, and

WHEREAS the City Council feels that the Manager has served the City of Watertown as provided for in the Charter of the City of Watertown and in the Optional City Government Law as contained at Chapter 444 of the Laws of 1914,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Employment Agreement between the City of Watertown and Mary M. Corriveau, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to execute the Employment Agreement on behalf of the City of Watertown.

**SECONDED BY COUNCILWOMAN ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

WHEREAS on March 5, 2001, the City Council of the City of Watertown adopted a resolution approving the Master Federal and Local Aid Agreement for the reconstruction of Bellew Avenue, and

WHEREAS the reconstruction of Bellew Avenue, PIN 775272, is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the cost of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds, and

WHEREAS the City has received notification from the NYSDOT that costs and funding associated with the Construction/Construction Inspection Phase of the project need to be modified, and

WHEREAS the entire cost associated with this phase of the project is \$2,360,000, with the federal share equal to \$1,888,000 and the non-federal share equal to \$472,000, and

WHEREAS Marchiselli funds have been requested and approved for this phase of the project, in the amount of \$354,000, which represents 15% of the cost associated with this phase of the project, and

WHEREAS the City Council of the City of Watertown desires to advance the project by making a commitment of 100% of the non-federal share of the costs of this phase of the reconstruction of Bellew Avenue,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Supplemental Agreement No 4 to the Marchiselli Local Agreement for the Construction/Construction Inspection phase of Bellew Avenue, and

BE IT FURTHER RESOLVED that the total cost for the above mentioned phase of the project is \$2,360,000; with federal funding of \$1,888,000 and non-federal funding of \$472,000 and that the City Council authorizes the appropriation of \$118,000 from the Capital Fund to cover the City's cost of participation in the above phase of the project, and

BE IT FURTHER RESOLVED that in the event that the full federal and non-federal share costs of the project exceeds the amount appropriated above, the City Council of the City of Watertown shall convene as soon as possible to appropriate said excess amount immediately upon notification by the City Manager thereof, and

BE IT FURTHER RESOLVED that the Mayor of the City of Watertown is hereby authorized and directed to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Watertown with the New York State Department of Transportation in connection with the

advancement or approval of the project and providing for the administration of the project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible project costs and all project costs within appropriations therefore that are not eligible, and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized and directed to execute Supplemental Agreement No.4 to the Marchiselli Aid Local Aid Agreement on behalf of the City of Watertown, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the project, and

BE IT FURTHER RESOLVED that this resolution will take effect immediately.

**SECONDED BY COUNCILWOMAN ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

WHEREAS Matthew R. Morgia, P.E., of GYMO, P.C., has made application for a Special Use Permit on behalf of Samaritan Medical Center to allow a parking lot at 120-144 Woodruff Street, Parcels No. 14-01-105 through 14-01-111, and

WHEREAS the Planning Board of the City of Watertown reviewed the request for the Special Use Permit at its meeting held on April 6, 2004, and recommended that the City Council of the City of Watertown approve the request as submitted, and

WHEREAS a public hearing was held on the proposed Special Use Permit on May 3, 2004, after due public notice, and

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part 2 and has determined that the project, as submitted, is Unlisted and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed Special Use Permit to allow a parking lot constitutes an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, New York that the Special Use Permit is hereby granted to Matthew R. Morgia, P.E., of

GYMO, P.C., on behalf of Samaritan Medical Center to allow a parking lot at 120-144 Woodruff Street, Parcels No. 14-01-105 through 14-01-111.

**SECONDED BY COUNCILMAN STEPHEN J. BRADLEY**

**Motion was made by Councilwoman Burns to schedule a public hearing on the foregoing resolution for Monday, May 3, 2004 at 7:30 p.m.**

**Motion was seconded by Councilman Clough and carried with all voting in favor thereof.**

**ORDINANCES**

**INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the extension of Waterworks Park Trail, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$44,000 serial bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$44,000 and that the plan for the financing thereof is by the issuance of the \$44,000 serial bonds of said City authorized to be issued pursuant to this bond ordinance provided, however, that the amount of serial bonds ultimately to be issued will be reduced by the amount of any State and/or Federal aid received by said City for such specific object or purpose.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 19 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such

terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Watertown, Jefferson County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Watertown, Jefferson County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 9. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this

ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This ordinance, which takes effect immediately, shall be published in full in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**SECONDED BY COUNCILMAN TIMOTHY R. LABOUF AND CARRIED WITH ALL VOTING YEA**

(Unanimous consent moved by motion of Councilman Clough, seconded by Councilman LaBouf and carried with all voting yea)

Commenting on the foregoing ordinance, Councilman Clough remarked that Council has been talking for years about doing more in the Black River area. The \$22,000 grant for this project, shows that the City is moving ahead with the plans.

Mrs. Corriveau commented that they are hoping to have the work completed by this summer before the U.S. trials.

**INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the purchase and installation of above ground fuel tanks at the Wastewater Treatment Plant and the removal of the existing underground fuel tanks at such location, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$103,000 serial bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$103,000 and that the plan for the financing thereof is by the issuance of the \$103,000 serial bonds of said City authorized to be issued pursuant to this bond ordinance; provided, however, that the amount of serial bonds ultimately to be issued will be reduced by the amount of any State and/or Federal aid received by said City for such specific object or purpose.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 88 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Watertown, Jefferson County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Watertown, Jefferson County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 9. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This ordinance, which takes effect immediately, shall be published in full in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**SECONDED BY COUNCILWOMAN ROXANNE M. BURNS AND CARRIED  
WITH ALL VOTING YEA**

(Unanimous consent moved by motion of Councilman Clough, seconded by Councilman Bradley and carried with all voting in favor thereof.)

**INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, by bond ordinance dated October 20, 2003 (Ordinance No. 1), the Council of the City of Watertown, Jefferson County, New York, authorized the issuance of \$160,000 serial bonds of said City to pay the cost of the construction of a sanitary sewer line in the 500 block of Eastern Boulevard, including incidental expenses in connection therewith, in and for the City of Watertown, Jefferson County, New York; and

WHEREAS, it has now been determined that the maximum estimated cost of the aforesaid construction is \$226,000, and increase of \$66,000 over that previously authorized; and

WHEREAS, it is now desired to authorize the issuance of \$66,000 serial bonds of said City to finance additional costs of said specific object or purpose;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section 1. For the specific object or purpose of paying additional costs of the construction of a sanitary sewer line in the 500 block of Eastern Boulevard, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$66,000 serial bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$226,000 and that the plan for the financing thereof is as follows:

- (a) by the issuance of the \$160,000 serial bonds of said City authorized to be issued pursuant to bond ordinance dated October 20, 2003; and
- (b) by the issuance of an additional \$66,000 serial bonds of said City authorized to be issued pursuant to this bond ordinance.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Watertown, Jefferson County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Watertown, Jefferson County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and

shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 9. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This ordinance, which takes effect immediately, shall be published in full in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED  
WITH ALL VOTING YEA**

(Unanimous consent moved by motion of Councilman Clough, seconded by Councilman Bradley and carried with all voting in favor thereof.)

**The ordinance “Approving the Request to Change the Approved zoning  
Classification of Parcels No. 10-05-101 and 10-05-102 Located at 202 –206 Clinton  
Street From Residence “A” District to Residence “C” District was presented to the  
Council**

**Councilman Bradley withdrew his introduction of the ordinance.**

**Councilwoman Burns withdrew her second of the ordinance.**

**\*\* \*\* \***

## **COUNCIL DISCUSSED THE FOLLOWING TOPICS:**

### **Public Hearing**

**Motion was made by Councilwoman Burns to schedule public hearings on the proposed budgets as follows: Monday, May 3, 2004 at 7:15 p.m. for the 2004-05 Operating Budget and at 7:45 p.m. for the 2004-05 through 2008-09 Capital Budget.**

**Motion was seconded by Councilman Clough and carried with all voting in favor thereof.**

### **Industrial Park**

Mrs. Corriveau advised Council that the signed deed for the Renzi property in the City's Industrial Park had been delivered to the attorneys.

### **Signage for Park Businesses**

Councilwoman Burns asked for an update on this.

Mrs. Corriveau explained that they are waiting for Alteri's logo to be placed on the sign. The sign will be the style that can go on either side of the street. Since, the City has not been able to deal with the Salvation Army over the sign issue, they are looking at alternatives for placement.

Councilman LaBouf asked for a quick background on the problem with placing the sign there.

Councilman Clough explained that this has been going on for 4 years at least and while things were agreed to, nothing was ever put in writing.

Mrs. Corriveau explained that the Mayor sent a letter to the Salvation Army and to date nothing has been heard back from them. If they do not respond, the City will wait until the property sells and then approach the new owner. She also explained that the sign has been built. They only need a place to put it up.

Mayor Graham explained that there are short-term and long-term issues. He hopes that publicity will help with the short term.

### **Meth Labs**

Councilwoman Burns referred to the recent meth lab cleanups and asked what the City's costs are and if the costs are placed on the taxpayers or on the property owners.

Mrs. Corriveau will speak with the Police Chief and Fire Chief concerning this.

### **Sales Tax Issue**

Mayor Graham advised Council that the County did want to have more dialogue on this issue and would like to sit down in a smaller group to discuss it.

Councilwoman Burns commented that she agrees it should be just representation from the Council and not the full Council.

Council concurred that Mayor Graham and Councilman Clough will attend the meeting with the County.

Mayor Graham commented that he wants to make sure that all Council members agree with any decisions made and therefore would request that all members could be available for a phone conference if necessary.

Councilwoman Burns remarked that Council needs to be in agreement. However, she stated that she is mindful of the County's situation and time is of the essence.

Mayor Graham reiterated the fact that there will be no negotiations without full Council approval.

Mrs. Corriveau will be in touch with the County to set up a time for the meeting.

### **ADJOURNMENT**

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 7:50 P.M. BY MOTION OF COUNCILMAN CLOUGH, SECONDED BY COUNCILMAN BRADLEY AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

**Donna M. Dutton**

City Clerk